

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's Own Motion into the programs, practices and policies related to implementation of the California Environmental Quality Act as it applies to jurisdictional telecommunications utilities.

Rulemaking 00-02-003

**MOTION TO ACCEPT LATE-FILED REPLY COMMENTS
OF THE DIVISION OF RATEPAYER ADVOCATES
[REPLY COMMENTS ATTACHED]**

In accordance with Rule 45 of the California Public Utilities Commission's (Commission's) Rules of Practice and Procedure, the Division of Ratepayer Advocates (DRA) respectfully asks that the attached Reply Comments be accepted as late-filed as a result of widespread problems with the Commission's computer systems.

Pursuant to the April 26, 2006 Assigned Commissioner's Ruling Requesting Comments (Ruling), several parties filed initial Comments on May 12, 2006. Reply Comments were due one week later, on Friday, May 19, 2006.¹ As DRA is not an active party in this case, DRA intended to file a Motion to Intervene with its proposed Reply Comments on May 19th.² Mid-day on Thursday, May 18, 2006, however, many Commission staff began experiencing computer problems that interfered substantially with their ability to carry out their planned work activities. In particular, the staff assigned to preparing the pleadings for this case were hampered by computer problems,

¹ Ruling at 10.

² DRA is filing a Motion to Intervene concurrently with this Motion.

including email access and access to Hummingbird (one of the Commission's database systems), that lasted into Friday morning. DRA therefore requests that the Commission accept DRA's Reply Comments one working day late.

DRA notes that acceptance of its late-filed Reply Comments should not prejudice other parties or delay the schedule. DRA's statutory mission is to represent the interests of "public utility customers and subscribers within the jurisdiction of the commission."³ Inasmuch as competition in the telecommunications market is expected to provide consumer benefits, particularly facilities-based competition, DRA seeks to facilitate the development of an environmental review process within the Commission that is both streamlined and consistent with CEQA. In pursuing its mission, DRA accepts the record in this proceeding as it has been developed, and does not seek to broaden the issues in the case. In particular, in its proposed Reply Comments, DRA anticipates, at this time, that it will only address issues that they have already been raised in parties' initial Comments (as is appropriate for Reply Comments). DRA's Reply Comments have been prepared without access to any Reply Comments that parties may have filed on May 19, 2006.⁴

Respectfully submitted,

/s/ Natalie D. Wales

Natalie D. Wales
Staff Counsel

Attorney for the Division of Ratepayer
Advocates
California Public Utilities Commission
505 Van Ness Ave.
San Francisco, CA 94102
415-355-5490
415-703-2262 (fax)
ndw@cpuc.ca.gov

May 22, 2006

³ Public Utilities Code Sec. 309.5(a).

⁴ None of the individuals assigned to this case are on the service list in any capacity (*ie.*, under Appearance, Interested Party, or State Service).

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing document
**“MOTION TO ACCEPT LATE-FILED REPLY COMMENTS OF THE
DIVISION OF RATEPAYER ADVOCATES [REPLY COMMENTS
ATTACHED]”** in **R.00-02-003** by using the following service:.

[] **E-Mail Service:** sending the entire document as an attachment to all known parties of record who provided electronic mail addresses.

[X] **U.S. Mail Service:** mailing by first-class mail with postage prepaid to all known parties of record who did not provide electronic mail addresses.

Executed in San Francisco, California, on the 22nd day of May 2006.

/s/ NELLY SARMIENTO

NELLY SARMIENTO

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address and/or e-mail address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.
